IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1957

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No. 48

ROSE STAUB, APPELLANT

v.

CITY OF BAXLEY, APPELLEE

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SUPPLEMENT TO NOTE 20,
PAGE 31, OF APPELLANT'S BRIEF.

At page 31, note 20, of appellant's brief, there is a summary of numerous ordinances of the type in this case. Since the brief was filed, additional ordinances and information have been obtained. These may be summarized as follows:

1. Ordinance of Johnsonville, South Carolina, enacted February 14, 1957 (population, 616): A permit is required, good for a period of sixty days in order to solicit membership. Section IV of the ordinance provides that:

> The Town Council shall have power to revoke any permit upon the showing of false statements made by the applicant in obtaining such permit [or] for any other good and sufficient cause found by the Town Council to exist. The Council shall have power to refuse to issue any permit for any just reason and for the peace and good order of the citizens of Johnsonville, S. C.

2. Ordinance of Cuthbert, Georgia, enacted August 4, 1947 (popula-

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2. Ordinance of Cuthbert, Georgia, enacted August 4, 1947 (population, 4,025): Upon the execution of an application calling for specified information, and upon the payment of a tax of $1,500, a one-year license will be issued, the license being the condition for lawfully "soliciting other persons to join or become members of a Labor Organization . . . ." The license is revocable if "it is ascertained that said license has been obtained by false allegations contained in said sworn application . . . ."

3. Ordinance No. 324, Osceola, Arkansas, enacted April 10, 1957 (population 5,006): As a condition of engaging in organizational activity on the part of "Any individual, organization or association":

> Said individual and all individuals within said organization or association shall be of good moral character. Good moral character is defined in this section to mean without previous conviction of any crime, either felony or misdemeanor. Said individ-

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ual or individuals within said organization or association, before operating in the City of Osceola, at the request of the Police Department, shall be fingerprinted; so their fingerprints shall be sent to the appropriate law enforcement agency to show the good moral character of the individual or individuals.

In addition, a tax of $1,000 per day is required to be paid by "Said individual, organization or association . . . . ."

An identical ordinance, except that the tax is $500 per day, was enacted by Arcadia, Florida (Ordinance No. 561, October 7, 1957, population 4,764).

4. Ordinance of Savannah, Tennessee, enacted July 23, 1946 (population, 1,698): Before anyone may "attempt to organize any employees" a "license for so doing" must be obtained and an annual tax of $100 paid. It is further provided that "in passing upon said application [for a license] the Board of Commissioners shall be guided by the best interest of the Town of Savannah, and shall take into consideration the additional police force made necessary by the granting of said license and the effect such union or other organization will have upon the peace, quiet, morals and welfare of the Town of Savannah."

We are informed that there are about a half-dozen similar ordinances in other towns in Tennessee.

5. Ordinance No. 283 of Scottsville, Kentucky, enacted March 7, 1957 (population, 2,060), and ordinance of Cave City, Kentucky, enacted February 8, 1957 (population, 1,119), both provide that a $50 tax shall be paid by a "labor organizer and promoter" and a "labor solicitor" in order to secure a required license upon the execution of an application calling for specified information; in the case of the Scottsville ordinance the license

the Board of Commissioners shall be guided by the best interest of the Town of Savannah, and shall take into consideration the additional police force made necessary by the granting of said license and the effect such union or other organization will have upon the peace, quiet, morals and welfare of the Town of Savannah."

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5. Ordinance No. 283 of Scottsville, Kentucky, enacted March 7, 1957 (population, 2,060), and ordinance of Cave City, Kentucky, enacted February 8, 1957 (population, 1,119), both provide that a $50 tax shall be paid by a "labor organizer and promoter" and a "labor solicitor" in order to secure a required license upon the execution of an application calling for specified information; in the case of the Scottsville ordinance the license is good until the succeeding July 16, and in the case of Cave City until the succeeding April 30; in both cases the license is revocable if the application contains "false information" or the licensee is convicted of a felony.

An identical ordinance, enacted by Russellville, Kentucky (population 4,529), is described in the penultimate paragraph of note 20, page 31, except that there the tax was $250 on a "labor organizer or promoter," $100 on a "labor solicitor," and the license would issue "if the application gives correctly the information required" (emphasis supplied). On November 1[illegible] 1956, a complaint was filed in the United States District Court for the

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estern District of Kentucky to invalidate the Russellville ordinance. On December 4, 1956, after a hearing on November 27, 1956, upon a motion for a preliminary injunction, the Russellville ordinance was amended to reduce the tax to $25 and to delete the word "correctly." On June 10, 1957, the District Court invalidated the amended ordinance. United Steelworkers v. Fuchs, 40 LRRM 2241.

Another form of ordinance found in Kentucky is Ordinance No. 302, Falmouth, Kentucky, enacted November 12, 1956 (population, 2,186). A $2,500 annual tax is required; the Mayor and Councilmen "shall be the sole judge of the qualifications of the applicant"; and "no person shall be granted a license . . . unless said applicant is over 21 years of age; of good moral character; and shall have been a resident of the City of Falmouth for a period of five years . . . ." In addition, the applicant must take an oath forswearing inter alia communism and belief "in the overthrowing of the municipal or state laws. . . ."

Respectfully submitted,

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November, 1957